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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,398	10/07/2005	Kazuhiko Koyama	T3201.0047	4835
32172	7590	01/03/2011	EXAMINER	
DICKSTEIN SHAPIRO LLP			SHERALI, ISHKRAT I	
1633 Broadway			ART UNIT	PAPER NUMBER
NEW YORK, NY 10019			2624	
MAIL DATE		DELIVERY MODE		
01/03/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,398	<b>Applicant(s)</b> KOYAMA, KAZUHIRO
	<b>Examiner</b> Sherali Ishrat	<b>Art Unit</b> 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 29 September 2010.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1,3,5,7,8,10,11,13,14,16-29 and 31-33 is/are pending in the application.
  - 4a) Of the above claim(s) 17-29 and 31-33 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,3,5,7,8,10,11,13,14,16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

***Response to Election/Restriction requirement***

1. Applicant response to election/restriction dated 9/29/2010 is acknowledged. Applicant has elected without traverse, species II, and submitted that corresponding claims are 1-10 and 14-16. However claims 2, 4, 6, 9, 12, were canceled in the preliminary amendment dated 10/7/2005. Therefore claims 1, 3, 5, 7-8, 10-11, 13-14 and 16 reads on the elected species II. Election requirement is made final.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 3, 5, 7-8, 10-11, 13-14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, amended claim 1, in lines 2-4, recites "transmission side moving image coding device and a receiving side moving image decoding having different 5 moving image compression coding systems". Having different 5 moving image compression- coding systems is vague/indefinite and is in the improper English Format and also coding-compression system is vague/indefinite because Applicant is claiming coding-decoding systems Claim 1 should recite "transmission side moving image coding device and a receiver side moving

image decoding device having different moving image coding-decoding systems". Proper correction is required.

Regarding claim 1, amended claim 1, in lines 9-10, recites compression coding based on receiving decoding information outputted from the receiving side moving image decoding device". This limitation is in the improper English Format. Claim 1, in lines 9-10 should recite compression coding based on received decoding information outputted from the receiver side moving image decoding device. Since independent claim 1 is rejected therefore dependent claim 3, 5, 7-8, 10-11, 13-14 and 16 are also rejected.

### ***Allowable Subject Matter***

4. Claims 1, 3, 5, 7-8, 10-11, 13-14 and 16 would be allowable over prior art of record if independent claim 1 overcome rejection under 35 USC 112 second paragraph.

### ***Communication***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SherAli Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sherali Ishrat/  
Primary Examiner, Art Unit 2624

January 2, 2011